

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 3:13-CR-116-HDM-(WGC)
)
GERARDO PEREZ-DIAZ, and)
RICARDO GUTIERREZ,)
)
Defendants.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on May 28, 2014, defendant RICARDO GUTIERREZ pled guilty to Count One of a One-Count Second Superseding Information charging him with Conspiracy to Distribute and Possess with Intent to Distribute at least 50 Grams of a Mixture or Substance Containing a Detectable Amount of Methamphetamine in violation of Title 21, United States Code, Sections 841(a)(1) and 846. Plea Agreement, ECF No. 38; Second Superseding Information, ECF No. 45; Change of Plea, ECF No. 48.

This Court finds that on June 3, 2014, defendant GERARDO PEREZ-DIAZ pled guilty to Count One of a One-Count Second Superseding Information charging him with Conspiracy to Distribute and Possess with Intent to Distribute at least 50 Grams of a Mixture or Substance Containing a Detectable Amount of Methamphetamine in violation of Title 21, United States Code, Sections 841(a)(1) and 846. Second Superseding Information, ECF No. 45; Plea Agreement, ECF No. 50; Change of Plea, ECF No. 52.

1 This Court finds defendants GERARDO PEREZ-DIAZ and RICARDO GUTIERREZ agreed
2 to the forfeiture of the property set forth in the Plea Agreements and the Forfeiture Allegation of the
3 Second Superseding Information. Plea Agreement, ECF No. 38; Second Superseding Information,
4 ECF No. 45; Change of Plea, ECF No. 48; Plea Agreement, ECF No. 50; Change of Plea, ECF No. 52.

5 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America
6 has shown the requisite nexus between property set forth in the Plea Agreements and the Forfeiture
7 Allegation of the Second Superseding Information and the offense to which defendants GERARDO
8 PEREZ-DIAZ and RICARDO GUTIERREZ pled guilty.

9 The following asset is subject to forfeiture pursuant to Title 21, United States Code, Section
10 853:

- 11 1. A 2008 Nissan Altima 3.5 SE, bearing Nevada license plate UNR13309, and having
12 a Vehicle Identification Number (VIN) 1N4BL21E68N410683 ("property").

13 This Court finds the United States of America is now entitled to, and should, reduce the
14 aforementioned property to the possession of the United States of America.

15 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
16 United States of America should seize the aforementioned property.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
18 GERARDO PEREZ-DIAZ and RICARDO GUTIERREZ in the aforementioned property is forfeited
19 and is vested in the United States of America and shall be safely held by the United States of America
20 until further order of the Court.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
22 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
23 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
24 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
25 name and contact information for the government attorney to be served with the petition, pursuant to
26 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
2 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
3 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
4 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
5 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
6 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
7 petition and the relief sought.

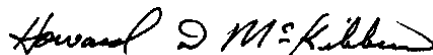
8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
9 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
10 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if
11 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the
12 official internet government forfeiture site, www.forfeiture.gov.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
14 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
15 following address at the time of filing:

16 Greg Addington
17 Assistant United States Attorney
18 100 West Liberty Street, Suite 600
Reno, NV 89501

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
20 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
21 following publication of notice of seizure and intent to administratively forfeit the above-described
22 property.

23 DATED this 6th day of June, 2014.

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UNITED STATES DISTRICT JUDGE